DCT

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

TERESA A. LAVOIE	101		
FISH & RICHARDSON P.C.			
P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022	NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT AND		
MINNEAPOLIS, MIN 55440-1022	THE WRITTEN OPINION OF THE INTERNATIONAL		
	SEARCHING AUTHORITY, OR THE DECLARATION		
	(PCT Rule 44.1)		
	Date of mailing (day/month/year) 0 5 MAR 2010		
Applicant's or agent's file reference	FOR FURTHER ACTION O		
253240028WO1	FOR FURTHER ACTION See paragraphs I and 4 below		
International application No.	International filing date (day/month/year) 06 January 2010 (06.01.2010)		
PCT/US 10/20259	00 Sandary 2010 (00:01:2010)		
Applicant CUREMARK LLC			
I.	search report and the written opinion of the International Searching rewith.		
Filing of amendments and statement under Article 1			
The applicant is entitled, if he so wishes, to amend the When? The time limit for filing such amendment			
When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.			
Where? Directly to the International Bureau of WI 1211 Geneva 20, Switzerland, Facsimile 1	IPO, 34 chemin des Colombettes No.: +41 22 338 8270		
For more detailed instructions, see the notes on the	e accompanying sheet.		
The applicant is hereby notified that no international Article 17(2)(a) to that effect and the written opinion of	search report will be established and that the declaration under of the International Searching Authority are transmitted herewith.		
3. With regard to the protest against payment of (an) ac	dditional fee(s) under Rule 40.2, the applicant is notified that:		
the protest together with the decision thereon is applicant's request to forward the texts of both	has been transmitted to the International Bureau together with the the protest and the decision thereon to the designated Offices.		
no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.			
4. Reminders			
Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the application with the application, are of the priority claim, must reach the International Bureaus as provided in Rules 906s.1 and 906s.3, respectively, before the completion of the technical preparations for international publication.			
The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the prority date.			
Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international pretininary examination must be filled if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later), otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.			
In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.			
See the Annex to Form PCT/IB/301 and, for details about the Guide, Volume II, National Chapters and the WIPO Internet	e applicable time limits, Office by Office, see the PCT Applicant's site.		
Name and mailing address of the ISA/US	Authorized officer:		
Mail Stop PCT, Attn: ISA/US	Lee W. Young		
Commissioner for Patents P.O. Box 1450, Alexandria, Virginia 22313-1450	PCT Helpdesk: 571-272-4300		
Facsimile No. 571-273-3201	PCT OSP: 571-272-7774		

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 253240028WO1	FOR FURTHER ACTION	as well	see Form PCT/ISA/220 as, where applicable, item 5 below.
International application No.	International filing date (day/n	ionth/year)	(Earliest) Priority Date (day/month/year)
PCT/US 10/20259	06 January 2010 (06.01.2010)		06 January 2009 (06.01.2009)
Applicant CUREMARK LLC			
This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.			
This international search report consists of a total of			report.
1. Basis of the report			
a. With regard to the language, the	e international search was carried	out on the b	asis of:
the international app	lication in the language in which	it was filed.	
a translation of the international application into which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).			
b. This international search report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).			
c. With regard to any nucleo	tide and/or amino acid sequenc	e disclosed in	the international application, see Box No. 1.
2. Certain claims were foun	d unsearchable (see Box No. II)		
3. Unity of invention is lack	ing (see Box No. III).		
4. With regard to the title,			
the text is approved as sub			
the text has been established by this Authority to read as follows:			
COMPOSITIONS AND METHODS FOR	THE TREATMENT OR THE PREV	ENTION oral	INFECTIONS by E. COLI
5. With regard to the abstract,			
the text is approved as sub	mitted by the applicant.		
			s it appears in Box No. IV. The applicant th report, submit comments to this Authority.
6. With regard to the drawings,			
a. the figure of the drawings to be	published with the abstract is Fig	gure No.	
as suggested by the a	applicant.		
as selected by this A	uthority, because the applicant fa	iled to sugge	st a figure.
as selected by this A	uthority, because this figure bette	r characterize	es the invention.
b. none of the figures is to be			

Form PCT/ISA/210 (first sheet) (July 2009)

INTERNATIONAL SEARCH REPORT

International application No. PCT/US 10/20259

IPC(8) - USPC -	SSIFICATION OF SUBJECT MATTER COTK 17/00 (2010.01) 530/350 o International Patent Classification (IPC) or to both n	ational classification and IPC	
B. FIEL	DS SEARCHED		
Minimum do PC(8) - C07 JSPC - 530/	cumentation searched (classification system followed by K 17/00 (2010.01) 350	classification symbols)	
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched ISPC - 424/400			
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) WEST (POPB_USPT_USOC_EPAB_IPAB), Google Scholar: protease, \$protease, anylase, papain, lipase, Samylase, \$lipase, bypsin, tiypsin digestive anzyme, composition, infection, pharmaceutical, drug, treat, treatment, treating, treated, therap\$, administ\$, diarrhea, ntiseptic, detergent, antimicrobial			
c. DOCUI	MENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where a	opropriate, of the relevant passages	Relevant to claim No.
Y	US 2006/0105379 A1 (WU et al.) 18 May 2006 (18.05 [0489]; [0723]; [0725]; [1104]		7-21, 26, 28
Х Y	US 2008/0317731 A1 (GRAMATIKOVA et al.) 25 Dec [0593]-[0594]; [0598]; [0600]	ember 2008 (25.12.2008) para [0590]; 22 	2-23, 25, 29-31
r	US 2006/0259995 A1 (CAYOUETTE et al.) 16 Novem [0011]; [0034]; [0049]-[0050]; [0105]; [0121]; [0132]; [0 [0517]; abstract		16, 24, 27
r	US 2004/0076590 A1 (WILKINS J.) 22 April 2004 (22. Tables 1-2	04.2004) abstract; para [0015]-[0016];	,
r	US 6,280,726 B1 (WEINRAUCH et al.) 28 August 200 -45	1 (28.08.2001) col 2, in 5-11; col 10, in 35 8	
r	US 2005/0187130 A1 (BOOKER et al.) 25 August 200	5 (25.08.2005) para [0037])-11
Furthe	r documents are listed in the continuation of Box C.		
A" docume	categories of cited documents: nt defining the general state of the art which is not considered particular relevance	"T" later document published after the internation date and not in conflict with the application the principle or theory underlying the investment.	n but cited to understand
filing da		"X" document of particular relevance; the claim considered novel or cannot be considered step when the document is taken alone	med invention cannot be to involve an inventive
cited to	nt which may throw doubts on priority claim(s) or which is establish the publication date of another citation or other reason (as specified)	"Y" document of particular relevance; the clair	med invention cannot be
O" docume means	nt referring to an oral disclosure, use, exhibition or other	considered to involve an inventive step combined with one or more other such docu being obvious to a person skilled in the art	ments, such combination
P" docume the prio	nt published prior to the international filing date but later than rity date claimed		
Date of the actual completion of the international search Date of mailing of the international search report		eport ·	
05 February	2010 (05.02.2010)	05 MAR 2010	
	ailing address of the ISA/US	Authorized officer:	
O. Box 145	T, Attn: ISA/US, Commissioner for Patents 0, Alexandria, Virginia 22313-1450	Lee W. Young	
	571-273-3201	PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774	

Form PCT/ISA/210 (second sheet) (July 2009)

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHOR	RITY		
To: TERESA A. LAVOIE FISH & RICHARDSON P.C. P.O. BOX 1022		PCT	
MINNEAPOLIS, MN 55440-1022			LITTEN OPINION OF THE IONAL SEARCHING AUTHORITY
			(PCT Rule 43bis.1)
		Date of mailing (day/month/year)	0 5 MAR 2010
Applicant's or agent's file reference		FOR FURTHER A	CTION
253240028WO1			See paragraph 2 below
	International filing date		Priority date (day/month/year)
	06 January 2010 (0		06 January 2009 (06.01.2009)
International Patent Classification (IPC) or IPC(8) - C07K 17/00 (2010.01) USPC - 530/350	both national classifica	tion and IPC	
Applicant CUREMARK LLC			
This opinion contains indications relat	ting to the following iter	ns:	
Box No. 1 Basis of the opin	nion		
Box No. II Priority			
Box No. III Non-establishme	ent of opinion with rega	rd to novelty, inventiv	e step and industrial applicability
Box No. 1V Lack of unity of invention			
	nent under Rule 43bis.1(a planations supporting su		elty, inventive step or industrial applicability;
Box No. VI Certain documen	nts cited		
Box No. VII Certain defects i	Box No. VII Certain defects in the international application		
Box No. VIII Certain observat	tions on the internationa	l application	
2. FURTHER ACTION			
If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("PiEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.			
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCTISA/20 or before the expiration of 25 months from the priority date, whichever expirits alter appropriate.			
For further options, see Form PCT/ISA		,,	
For further details, see notes to Form PCT/ISA/220			
	Date of completion of t	his opinion	Authorized officer:
Mail Stop PCT, Attn: ISA/US Commissioner for Patents	05 February 2010	(05.02.2010)	Lee W. Young
P.O. Box 1450, Alexandria, Virginia 22313-1450 Facsimile No. 571-273-3201	55 . 55. 56. 5	(55.52.2510)	PCT Helpdesk: 571-272-4300 PCT OSP: 571-272-7774

Form PCT/ISA/237 (cover sheet) (July 2009)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

nternational	application	No.
PCT/US 10.	20259	

Box	r No. I Basis of this opinion
1.	With regard to the language, this opinion has been established on the basis of:
	the international application in the language in which it was filed.
	a translation of the international application into which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2.	This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43b/z.1(a))
3.	With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of a sequence listing filed or furnished:
	a. (means)
	on paper
	in electronic form
	b. (time)
	in the international application as filed
	together with the international application in electronic form
	subsequently to this Authority for the purposes of search
4.	In addition, in the case that more than one version or copy of a sequence listing has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5.	Additional comments:

Form PCT/ISA/237 (Box No. 1) (July 2009)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY International application No. PCT/US 10/20259

Box No. V Reasoned statement under Rule 43bls.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement Statement Claims 1-16, 24, 27 YES Novelty (N) Claims 17-23, 25-26, 28-31 NO Claims NONE Inventive step (IS) YES Claims 1-31 NO 1-31 Industrial applicability (IA) Claims YES NONE Claims NO

Citations and explanations:

Claims 17-21, 26 and 28 lack novelty under PCT Article 33(2) as being anticipated by US 2006/0105379 A1 to Wu et al. (hereinafter "Wu"

Regarding claim 17, Wu teaches a method of treating a mammal exhibiting one or more symptoms of an E. coll infection comprising administering to the mammal a therapeutically effective amount of a composition comprising one or more digestive enzymes (para [0038], [0025] and [0150]).

Regarding claim 18, Wu teaches administering a beta-factam antibiotic to the mammal (para [1104] and [0038]).

Regarding claim 19, Wu teaches a method for treating diarrhea in an individual (para [0149]), comprising administering a pharmaceutical composition comprising one or more digestive enzymes to the individual (para [0038], [0025] and [0149]).

Regarding claim 20, Wu teaches the individual is diagnosed with an E. coli infection (para [0150] and [0723]). Regarding claim 21, Wu teaches the E. coli is a STEC (para [0150] and [0725]).

Regarding claim 26, Wu teaches a method for reducing the amount of E. coli present on a skin region, tissue, or wound of a mammal comprising applying to the skin region, tissue, or wound a composition comprising one or more digestive enzymes (para [0150], [0489] and [0038]).

Regarding claim 28, Wu teaches an antibiotic comprising one or more digestive enzymes, wherein the antibiotic is bacteriocidal for E. coli (para [1104], [0150] and [0105]).

Claims 22-23, 25 and 29-31 lack novelty under PCT Article 33(2) as being anticipated by US 2008/0317731 A1 to Gramatikova et al. (hereinafter "Gramatikova").

Regarding claim 22, Gramatikova teaches a method for sanitizing or disinfecting a surface to reduce the amount of E, coli thereon or to eradicate the E. coli thereon (para [0593]-[0594] and [0598]), comprising applying to the surface a composition comprising one or more digestive enzymes (para [0593]-[0594]).

Regarding claim 23, Gramatikova teaches the surface is a nonliving or inanimate surface (para [0594]).

Regarding claim 25, Gramatikova teaches the surface is a food (para [0590] and [0600]).

Regarding claim 29, Gramatikova teaches a detergent comprising one or more digestive enzymes, wherein the detergent is bacteriocidal for E. coli (para (0593)-(0594) and (0598)).

Regarding claim 30, Gramatikova teaches an antiseptic comprising one or more digestive enzymes, wherein the antiseptic is bacteriocidal for E. coli (para (0593)-(0594) and (0598)).

Regarding claim 31, Gramatikova teaches a disinfectant comprising one or more digestive enzymes, wherein the disinfectant is bacteriocidal for E. coli (para [0593]-[0594] and [0598]).

(continued in next supplemental box)

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US 10/20259

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: (citations and explanations from box V.2)

Claims 1-7, 9 and 12-16 lack an inventive step under PCT Article 33(3) as being obvious over US 2006/0259995 A1 to Cayouette et al. (hereinafter "Cayouette") in view of Wu.

Regarding claim 1, Cayouette teaches a method for the treatment of a bacterial infection in a mammal, comprising administering to the mammal a therapeutically effective amount of a pharmaceutical composition comprising one or more digestive enzymes (para [0105] and

Cayouste does not specifically teach the bacteria is E. coll. Wu baches a method for the treatment of an E. coli. Intection in a marmai, comprising administering to the mamma a therapeutically effective amount of a pharmeacultural composition comprising a disjective enzyme (para [0.025, [0.033] and [0.150]). It would have been orbivous to one of ordinary skill in the art to have performed a method for the treatment of an E. coli infection as claimed, in view of Copyoutest teaching the composition comprising disjective enzymes with probases activity including metalloprotease activity as an antimicrobial agent (para [0.001] and (0.034), and is used to teat bacterial infections (para [0.015]) since with exchange a composition comprising metalloprotease to treat an E. coli infection of para [0.025], [0.033] and [0.150], and is superior to the control of the parameters of the parameters

Regarding claim 2, Cayouette teaches the one or more digestive enzymes comprise one or more enzymes selected from the group consisting of proteases, amylases, papain, and lipases (para [0034] and [0121]).

Regarding claim 3, Cayouette teaches the one or more digestive enzymes comprise one or more pancreatic enzymes (para [0034] and [0132]).

Regarding claim 4. Cayouette teaches the one or more of the digestive enzymes comprise pig enzymes (para [0049] and [0325]). Regarding claim 5, Cayouette teaches the proteases comprise chymotrypsin and trypsin (para [00341).

Regarding claim 6, Cayouette teaches the one or more digestive enzymes are, independently, derived from an animal source, a microbial source, a plant source, or a fungal source (para [0011] and [0049]-[0050]).

Regarding claim 7, Cayouette teaches the mammal is a human (para [0498] and [0105]).

Regarding claim 9, Cayouette teaches the composition comprises at least one amylase (para [0121]), a mixture of proteases comprising chymotrypsin and trypsin (para [0034]), and at least one lipase (para [0121]).

Regarding claim 12, Cayouette teaches the composition is a dosage formulation selected from the group consisting of creams, lotions, aerosols, powders, liquids, gels, and a combination of any thereof (para (0105) and (04741).

Regarding claim 13, Cayouette teaches the composition is formulated for oral administration (para [0105]). Regarding claim 14, Cayouette teaches the composition is formulated for topical administration (para [0105]). Regarding claim 15, Wu teaches the composition is effective against STEC (para [0150], [0723] and [0725]).

Regarding claim 16, Wu teaches the composition is effective against ETEC (para [0723] and [0725]).

Claim 24 lacks an inventive step under PCT Article 33(3) as being obvious over Gramatikova, as above, in view of Cayouette,

Regarding claim 24, Gramatillova does not specifically teach the surface is on a medical device. Cayouette traches a method for santizing or disinfecting a surface to reduce the amount of bacteria thereon (pass (474-[46/78] and (673-[46/78]) and (673-[46/78]) and or a medical device (para (6577)). It would have been obvious to one of ordinary skill in the art to have performed a method for santizing or disinfecting a unitarize as claimed, wherein the surface is on a medical device, in view of Gramatikova touching disinfecting a parafect affecting a fractical device is unitarized (para (6574)), since Cayouette teaches a method of desinfecting a medical device surface (para (6574)), and a person of ordinary skill in the art Cayouette, to several contamination of calletts with a said device.

Claim 27 lacks an inventive step under PCT Article 33(3) as being obvious over Cayouette, as above, in view of US 2004/0076590 A1 (Wilkins).

Regarding claim 27, Cayouette teaches a disinfectant comprising one or more dispestive enzymes (abstract and para (DS15)). Cayouette does not specifically teach the disinfectant has a phenot coefficient or 1 to about 20 for 5 a sureus or E. coli. (Withins teaches a disinfectant having a phenot coefficient can be acheved via a standard phenot coefficient stays (para (D15)). It votes 1 and 2), wherein determination of a phenot coefficient can be acheved via a standard phenot coefficient stays (para (D15)). It votes have been obvious to one of ordinary skill in the Cayouette teaching the disinfectant comprising one or more active dispettive enzymes with antimicrobial properties (para (D15)). D1513 and (D34)), and it light of Wilkins toacking obtaining a phenot coefficient of >10 for S. aucust and E. coli. For a disinfectant composition effective to reduce or eliminate microbes (abstract, para (D015)), (D16), Tables 1 and 2), since a person of ordinary skill in the art would have readily appreciated have to achieve the diameted and appear coefficient by ordinary experimentation with the antimicrobial elements of

continued in next supplemental box

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

International application No.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V(2) and the preceding Supplemental Box:

Claim 8 lacks an inventive step under PCT Article 33(3) as being obvious over Cayouette in view of Wu, as above, and further in view of US 6,280,726 B1 to Weinrauch et al. (hereinafter "Weinrauch").

Regarding claim 8, Cayouette does not specifically teach the animal source is a pig pancress. However, Cayouette does teach the source is a recombinant pig issues sample (para [0049] and [0325]), and the narymes are pancreatic enzymes (para [0049] and [01320]). Weirrauch teaches a composition comprising digestive enzymes isolated from an animal source, wherein the animal source is a pig pancreas (col. 5, in 22 and col. 10, in 35-45), it would have been obvious to one of ordinary skill in the art to invest performed an embodic para (para [0049] and [0327]), and the enzymes are pancreatic enzymes (para [0049] and [0327]), and the enzymes are pancreatic enzymes (para [0049] and [0327]), and the enzymes are pancreatic enzymes (para [0049] and [0327]), and the enzymes are pancreatic enzymes (para [0049] and [0327]), and the enzymes are pancreatic enzymes (para [0049] and [0327]), and the enzymes are pancreatic enzymes (para [0049] and [0327]), and the enzymes are pancreatic enzymes (para [0049] and [0327]), and the enzymes (para [0049]) and [0327]),

Claims 10-11 lack an inventive step under PCT Article 33(3) as being obvious over Cayouette in view of Wu, as above, and further in view of US 2005/0187130 A1 to Booker et al. (hereinafter "Booker").

Regarding claim 10, Cayoustre does not specifically teach the pharmaceutical composition comprises at least one protease and at least one ilipase (size 10044 and 10121). Cayoustre does not specifically teach the ratio of total proteases to total leases (in USP units) ranges from about 1:1 to about 20.1. However, Cayoustre does teach compositions comprising verying relative amounts of at least one protease and at least one lipases (part 10041), (10474 and 10121). Boother teachers a composition comprising at least one protease and at least one protease and at least one interest of the action of the composition of the comprising of the composition of the

Regarding claim 11, Booker teaches the pharmaceutical composition comprises at least one protease and at least one lipase, and wherein the ratio of total proteases to total lipases (in USP units) is about 4: 1 (para [0037] - a ratio of about 3:1 is about 4:1).

Claims 1-31 have industrial applicability as defined by PCT Article 33(4) because the subject matter can be made or used in the industry.